

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- August 24, 1966

Appeal No. 8863 Walter E. and Evelyn Mancuso, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. William S. Harps dissenting, the following Order was entered at the meeting of the Board on August 31, 1966.

EFFECTIVE DATE OF ORDER -- Dec. 21, 1966

ORDERED:

That the appeal for a variance from the FAR requirements of the R-5-A District to permit the erection of an apartment building with an FAR not to exceed 1.25 at 3151 and 3157 Buena Vista Terrace, SE., lots 4 and 5, square 5727, be denied.

FINDINGS OF FACT:

(1) The property involved in this appeal is identified as lots 4 and 5, square 5727, comprising approximately 12,028 square feet.

(2) The existing zoning for both lots is R-5-A.

(3) The FAR under present zoning is 0.9, permitting 10,825 gross square feet of residential construction.

(4) The appeal is to permit the construction of a three story apartment building, having a FAR not to exceed 1.25, having 14 apartments and 14 off-street parking spaces.

(5) The appellant seeks a variance to permit the proposed construction "by reason of exceptional topographical conditions."

(6) A topographic map, prepared by W.L. Meekins, Survey No. 2134, dated July 2, 1966, is in the record. There is a maximum difference of 20 feet in elevation from the plateau area fronting on Buena Vista Terrace, the lots sloping very abruptly downward to a 16 foot public alley abutting the rear. The major portion of the grade occurs at one location near the rear of the lot where it falls 12 feet in 25 feet to the level of the alley. The map shows no other factors of an unusual nature of shape or size.

(7) Appellant states in his testimony and in a letter dated September 13, 1966 that the increased cost of site preparation and building construction, due to the topography, would amount to \$2,980 and that it is not economically possible to build this apartment building unless he is permitted to increase the FAR to 1.25 in order to secure one additional dwelling unit and one presently allowed dwelling unit of increased size.

(8) The parking plan as shown by the appellant is not feasible because of the excessive grade.

(9) One person, representing the owner of Good Hope Hill Apartments, appeared in opposition to the requested variance. His principal contention was that this is a lot of regular size **and shape with** a topography that is normal for this area and on which other developers have successfully built apartment building within the limits of the permitted FAR.

OPINION:

In order to grant the variance requested in this case, the Board must find that because of the extraordinary and exceptional topographic conditions of the property the owner is denied any reasonable use of his property in accordance with existing zoning. The Board does not believe that the physical factors pertaining to this lot justify the claim of substantial hardship by reason of exceptional topographical conditions made by the appellant.

The lot is rectangular and of sufficient size to be used for an R-5-A purpose. The topography is not of such a severe nature that it prevents any use of the property or requires such extravagant building construction methods to overcome the obstacle that any building is economically unsound.